

CHAP. 12. An act for the impounding of distresses. (Part.)

The first section of this statute appears to have been, and to remain in force, at least as to the prohibition therein contained. See *Espinasse* 400.

CHAP. 13. An act touching bailment of persons. (Part.)

As to the 2d and 3d sections of this statute, see the note on 3 *Edw. 1*, Ch. 15; and see 3 *Hen. 7*, Ch. 3. While the county courts were held by justices of the peace, there was nothing to prevent a literal compliance with the 3d section, and it appears reasonable that the powers should continue in two justices not in court.

The 4th section respecting the examination of prisoners by the said justices appears to have been practised under in the province in several instances; in one of which, in 1769, the *examination* was stated to be the *testimony* adduced against the prisoner.

The 5th section, as to the duties of coroners and justices, is considered to have been, and to remain in force, except as to the assessment of the fines. The 6th section related to London and Middlesex. The 7th as to the allowance of writs of *habeas corpus* and *certiorari* by a judge or justice, was in force in the province, and remained so until the passage of the act of July 1779, Ch. 4, which recited the former practice, and declared that it should not be necessary.

2 and 3 *Philip and Mary*.—A. D. 1555.

CHAP. 10. An act to take the examination of prisoners suspected of any manslaughter or felony.

See the note on 1 and 2 *Philip and Mary*, Ch. 13.

4 and 5 *Philip and Mary*.—A. D. 1557.CHAP. 7. An act to make up the jury with *circumstantibus*, where the king and queen's majesty is a party.

See the note on 35 *Hen. 8*, Ch. 6. Considering the state in the place of the king, there is the same reason for the extention of this statute, and the practice has been the same.

13 *Elizabeth*.—A. D. 1570.

CHAP. 5. An act against fraudulent deeds, alienations, &c. (Part.)

There can be no doubt as to the extention of a part of this statute, viz. the 2d section, declaring void fraudulent conveyances, &c.

I have not discovered any cases of prosecutions or suits for the forfeitures mentioned in the 3d section, although there is no reason why it should not have been in force, or why it should not remain so. The 4th and 5th, respecting common recoveries, and writs of *formedon*, do not appear necessary to be incorporated.